

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Zucherman, et al.

Appl. No.: 10/694,103

Conf. No.: 3095

Filed: October 27, 2003

Title: INTERSPINOUS PROCESS IMPLANT  
WITH RADIOLOUCENT SPACER AND  
LEAD-IN TISSUE EXPANDER

PATENT APPLICATION

Art Unit: 3733

Examiner: Swiger III, James L.

Atty. Docket No.: SFMT-01077US1

**Customer No. 23910**

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ As allowed under 37 C.F.R. § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.
- ☐ As allowed under 37 CFR §1.98(d), copies of cited documents noted with an asterisk are not enclosed because they were previously submitted in U.S. Patent Application No.           , which is relied on for an earlier effective filing date under 35 USC §120, and which included an Information Disclosure Statement that complies with 37 CFR §1.98(a) through (c).
- ☒ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

*This statement should be considered because:*

✓ 37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

FLIESLER MEYER LLP

Date: February 16, 2007

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Form PTO-1449 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number SFMT-01077US1	Application/Patent Number 10/694,103
Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)		Applicant/Patent Owner James F. Zucherman	
		Filing/Issue Date October 27, 2003	Group Art Unit 3733

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1.	6,045,552	04/04/2000	Zucherman			
	2.	6,074,390	06/13/2000	Zucherman			
	3.	6,090,112	07/18/2000	Zucherman			
	4.	6,149,652	11/21/2000	Zucherman			
	5.	6,152,926	11/28/2000	Zucherman			
	6.	6,156,038	12/05/2000	Zucherman			
	7.	6,183,471 B1	02/06/2001	Zucherman			
	8.	6,190,387 B1	02/20/2001	Zucherman			
	9.	6,235,030 B1	05/22/2001	Zucherman			
	10.	6,238,397 B1	05/29/2001	Zucherman			
	11.	6,280,444 B1	08/02/2001	Zucherman			
	12.	6,332,882 B1	12/25/2001	Zucherman			
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	14.	6,371,984 B1	04/16/2002	Van Dyke			
	15.	6,379,355 B1	04/30/2002	Zucherman			
	16.	6,416,776 B1	07/09/2002	Shamie			
	17.	6,419,676 B1	07/16/2002	Zucherman			
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Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	19.	6,440,169	08/27/2002	Elberg et al.			
	20.	6,451,019 B1	09/17/2002	Zucherman			
	21.	6,451,020 B1	09/17/2002	Zucherman			
	22.	6,478,796 B1	11/12/2002	Zucherman			
	23.	6,500,178 B1	12/31/2002	Zucherman			
	24.	6,514,256 B1	02/04/2003	Zucherman			
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	32.	6,699,246 B2	03/02/2004	Zucherman			
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	34.	6,712,819 B2	03/30/2004	Zucherman			
	35.	6,746,485 B1	06/08/2004	Zucherman			
	36.	6,764,491	07/20/2004	Frey et al.			

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Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	37.	6,796,983 B1	09/28/2004	Zucherman			
	38.	6,902,566 B2	06/07/2005	Zucherman			
	39.	6,926,728 B2	08/09/2005	Zucherman et al.			

U.S. PATENT PUBLICATIONS					
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant	

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Translation Yes / No
		WO 02/051326	07/2002	International			

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)	
Examiner	Date Considered
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <hr/> <p>*1 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.</p> <p>*2 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.</p>	